

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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In re:

Masahiko and Yasuko Negita,

Debtors.

Case No.: 23-12365 (SLM)

Hon. Stacey L. Meisel U.S.B.J.

Chapter 11

Hearing Date: June 13, 2023 at 11:00 a.m.

**NOTICE OF MOTION FOR ORDERS (i) TO STRIKE MASAHIKO NEGITA FROM SUBCHAPTER V; (ii) THAT THE BANKRUPTCY ESTATES OF MASAHIKO NEGITA AND YASUKO NEGITA ARE NOT SUBSTANTIVELY CONSOLIDATED AND SHALL BE SEPARATELY DETERMINED; and (iii) TO HOLD THAT DEBTORS ARE NOT ENTITLED TO ANY EXEMPTION WITH RESPECT TO THE IRA AND SEP IRA ACCOUNTS LISTED IN DEBTORS' SCHEDULES**

**PLEASE TAKE NOTICE** that creditors Ornrat Keawsri, Sachina Nagae, Takayuki Sekiya, Siwapon Topon, Pimparat Ketchatrot, Thiratham Raksuk, Parichat Kongtuk, Tanon Leechot, Thanatharn Kulaptip, Wanwisa Nakwirot, Natcha Natatpisit, and Parada Mongkolkajit,

(“Judgment Creditors”), through the undersigned hereby move the Court before the Honorable Stacey L. Meisel, U.S.B.J., at United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey 07102, on June 13, 2023 at 11:00 a.m. or on such day and time as counsel may be heard to enter an order (i) pursuant to Fed.R.Bankr.P. 1020(b) to strike designation of Masahiko Negita (“Masahiko”) as a debtor whose estate can be administered pursuant to Subchapter V of Chapter 11 of the Bankruptcy Code; (ii) that Yasuko Negita (“Yasuko”) and Masahiko (jointly “Debtors”), who have filed with this Court a consolidated petition for bankruptcy has created and/or maintained two separate estates in bankruptcy that cannot be consolidated and that consequently the estates of Yasuko and Masahiko should be disaggregated and determined separately; and (iii) that pursuant to Fed.R.Bankr.P. 4003, Debtors are not entitled to any exemptions for any amount of the assets of the IRA: Merrill Lynch and SEP IRA: Merrill Lynch accounts listed on Schedule C of the Summary of Your Assets and Liabilities and Certain Statistical Information (the “Schedule”) [Doc. 19].

**PLEASE TAKE FURTHER NOTICE** that the declaration of Florence Rostami and annexed exhibits thereto and the memorandum of law submitted herewith sets forth the relevant facts and legal basis upon which the reliefs sought should be granted. A proposed order granting each of the reliefs requested by Judgment Creditors is submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Your Rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

**PLEASE TAKE FURTHER NOTICE** that if you do not want the Court to grant the relief sought in the motion or if you want the Court to consider your views on the Motion then you must file an objection.

**PLEASE TAKE FURTHER NOTICE** that any objections to the Motion must be filed with the Clerk of the Court together with proof of service thereof, and served so as to be actually received by no later than June 6, 2023 at 4:00 p.m. (Eastern Time) by counsel to the Judgment Creditors, Taurig Law LLC, Attn: Jeffrey Taurig, Esq. ([jtaurig@tauriglawn.com](mailto:jtaurig@tauriglawn.com)) at One University Plaza, Suite 124, Hackensack, New Jersey 07601.

**PLEASE TAKE FURTHER NOTICE** that objections to the Motion, if any, must: (a) be in writing; (b) comply with the Bankruptcy Rules, the Local Rules of the United States Bankruptcy Court for the District of New Jersey, including D.N.J. LBR 9013-2(a), and any other case management rules or orders of this Court; and (c) state with particularity the legal and factual basis for the objection.

**PLEASE TAKE FURTHER NOTICE** that unless an objection is timely filed and served in accordance with this notice, it may not be considered by the Bankruptcy Court. In the event no objections are filed, the relief requested in the Motion may be granted without a hearing.

Dated: May 25, 2023

Respectfully submitted,

/s/ Jeffrey M. Taurig  
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